

**REMARKS**

Claims 1-10 and 12-20 are pending in this application. Claims 1 and 19 have been amended. Claims 9, 10 and 12 -18 have been allowed. No new matter has been added and reconsideration of the application is respectfully requested.

**Claim Rejections Under 35 U.S.C. Section 102**

**Claims 1-4, and 8** stand rejected under 35 U.S.C. §102(b) as being anticipated by US Patent 5,748,568 to Harrison (Harrison '568).

Under 35 U.S.C. § 102(b), “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference” (MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Accordingly, Harrison must disclose each and every element of the claimed invention.

Claim 1 and its dependent claims 2-4 and 8 have been amended to claim a timepiece *wherein the use of color alone depicts the passage of time in both hours and minutes*, which is not disclosed or suggested by Harrison. Accordingly, claims 1-4 and 8 as amended, are not anticipated by Harrison the applicant respectfully requests withdrawal of this rejection.

**Claims 19 and 20** stand rejected under 35 U.S.C. §102(e) as being anticipated by US 6,771,101 to Bornovski.

Claims 19 and 20 have been amended to claim a method of telling time *wherein the use of color alone depicts the passage of time in both hours and minutes*, which is not disclosed nor suggested in Bornovski. More specifically, Bornovski does not utilize colors to represent predetermined measurements of time. Rather, Bornovski indicates measurements of time by the illumination of beads, and bands located on the beads. It is the location and illumination of the bands that indicates time, not the color of the bands. Colors are used only to differentiate between bands, not to represent predetermined measurements of time. Furthermore, at no point does Bornovski describe a method of utilizing colors to represent predetermined measurements of time, nor does Bornovski describe a color-to-time-increment method. Although Bornovski does list specific colors in Figure 10, the colors themselves have no specific meaning. Red could

be substituted for green or black for gray without changing the operation of the invention. It is not color that is used to represent time. Instead color is used to differentiate between structural bands. Again, it is the location and illumination of the bands that indicates time, not the specific color of the band. Accordingly, claims 19 and 20 as amended, are not anticipated by Bornovski and the applicant respectfully requests withdrawal of this rejection.

### **Claim Rejections Under 35 U.S.C. Section 103**

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references, when combined, must teach or suggest all of the claim limitations. (MPEP 2142).

**Claim 5** stands rejected under 35 U.S.C. §103(a) as being unpatentable over Harrison ‘568 in view of US Pub 2003/0193842 to Harrison (Harrison ‘842).

Harrison ‘568 discloses a time piece wherein the display face shows a numeric indicator of the current hour and the passage of minutes through shading the background of elapse time in a color distinct from the rest of the face display.

Harrison ‘842 however, discloses a variety of time pieces having a traditional minute hand, or a traditional digital time display. Although color is used to accent the face display, Harrison does not disclose or suggest the use of color alone to depict the passage of time in both hours and minutes as in the present invention.

Neither Harrison ‘568 nor Harrison ‘842 disclose nor suggest the use of a timepiece “*wherein the use of color alone depicts the passage of time in both hours and minutes.*” as recited in amended independent claim 1 either alone or in combination. Accordingly, dependent claim 5 is not unpatentable over Harrison ‘568 in view of US Pub 2003/0193842 to Harrison (Harrison ‘842) and the applicant respectfully requests withdrawal of this rejection.

**Claim 6** is rejected under 35 U.S.C. §103(a) as being unpatentable over Harrison ‘568 in view of US Patent 4,206,592 to Maue.

Harrison '568 discloses a time piece wherein the display face shows a numeric indicator of the current hour and the passage of minutes through shading the background of elapse time in a color distinct from the rest of the face display.

Maue discloses a time piece having a traditional twelve hour face display wherein a fixed color band fills in the space between each numeric indicator.

Neither Harrison'568 nor Maue disclose or suggest, either alone or in combination, a timepiece “*wherein the use of color alone depicts the passage of time in both hours and minutes*” as recited in amended independent claim 1 and its dependent claim 6. Accordingly, dependent claim 6 is not unpatentable over Harrison '568 in view of Maue and the applicant respectfully requests withdrawal of this rejection.

**Claim 7** is rejected under 35 U.S.C. §103(a) as being unpatentable over Harrison '568.

Harrison '568 discloses a time piece wherein the display face shows a numeric indicator of the current hour and the passage of minutes through shading the background of elapse time in a color distinct from the rest of the face display.

Harrison does not disclose or suggest a timepiece “*wherein the use of color alone depicts the passage of time in both hours and minutes*” as recited in amended independent claim 1 and its dependent claim 7. Accordingly, dependent claim 7 is not unpatentable over Harrison '568 and the applicant respectfully requests withdrawal of this rejection.

**Conclusion**

Applicant respectfully asserts that all claims are now in condition for allowance, and a Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at the telephone number appearing below should the Examiner have any questions regarding the prosecution of this application.

Respectfully submitted,

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